

ASSEMBLY BILL

No. 909

Introduced by Assembly Member Feuer
(Coauthor: Senator Hancock)

February 26, 2009

An act to amend Section 13102 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 909, as introduced, Feuer. Elections: voting.

Existing law requires that one form of ballot be provided at an election for public officers, except at partisan primary elections, at which a ballot for each qualified political party and a nonpartisan ballot shall be provided. Under existing law, at partisan primary elections, a voter not registered with one of the political parties is to be furnished a nonpartisan ballot, unless he or she requests a ballot of a political party that has authorized a voter not registered with that party to vote the ballot of that party, as prescribed.

This bill would require that a member of the precinct board, prior to furnishing a ballot to a voter not registered with a political party, provide written notification to the voter that he or she may request a ballot of a political party that has authorized a voter not registered with that party to vote the ballot of that party or a nonpartisan ballot. The bill would require the written notification to list each political party that has authorized a voter not registered with that party to vote the ballot of that party.

Because the bill would require elections officials to perform additional duties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13102 of the Elections Code is amended
2 to read:
3 13102. (a) All voting shall be by ballot. There shall be
4 provided, at each polling place, at ~~each~~ *an* election at which *a*
5 ~~public officers are~~ *officer is* to be voted for, but one form of ballot
6 for all candidates for public office, except that, for partisan primary
7 elections, one form of ballot shall be provided for each qualified
8 political party as well as one form of nonpartisan ballot, in
9 accordance with subdivision (b).
10 (b) ~~At a partisan primary elections, each election, prior to~~
11 ~~furnishing a ballot to a voter not registered as intending who has~~
12 ~~declined to affiliate with any one state a party affiliation, a member~~
13 ~~of the political parties participating in the election precinct board~~
14 ~~shall be furnished only a nonpartisan ballot, unless provide written~~
15 ~~notification informing the voter that he or she requests may request~~
16 ~~a ballot of for a political party and that political party, by has~~
17 ~~adopted a party rule duly noticed to as provided in subdivision (c)~~
18 ~~or a nonpartisan ballot. If the Secretary of State, authorizes voter~~
19 ~~does not request a person who ballot for a political party that has~~
20 ~~declined to state adopted a party affiliation to vote rule as provided~~
21 ~~in subdivision (c), the ballot of that political party voter shall be~~
22 ~~furnished a nonpartisan ballot.~~ The nonpartisan ballot shall contain
23 only the names of all candidates for nonpartisan offices and
24 measures to be voted for at the primary election. ~~Each~~ A voter
25 registered as intending to affiliate with a political party
26 participating in the election shall be furnished only a ballot of the
27 political party with which he or she is registered and the

1 nonpartisan ballot, both of which shall be printed together as one
2 ballot in the form prescribed by Section 13207.

3 (c) A political party may adopt a party rule in accordance with
4 subdivision (b) that authorizes a person who has declined to state
5 a party affiliation to vote the ballot of that political party at the
6 next ensuing partisan primary election. The political party shall
7 notify the party chair immediately upon adoption of that party rule.
8 The party chair shall provide written notice of the adoption of that
9 rule to the Secretary of State not later than the 135th day prior to
10 the partisan primary election at which the vote is authorized.

11 (d) The county elections official shall maintain a record of which
12 political party's ballot was requested pursuant to subdivision (b),
13 or whether a nonpartisan ballot was requested, by each person who
14 declined to state a party affiliation. The record shall be made
15 available to ~~any~~ a person or committee who is authorized to receive
16 ~~copies~~ a copy of the printed indexes of registration for a primary
17 ~~and or a general elections election~~ pursuant to Section 2184. A
18 record produced pursuant to this subdivision shall be made
19 available in either a printed or electronic format, as requested by
20 the authorized person or committee.

21 (e) *For purposes of subdivision (b), written notification includes,*
22 *but is not limited to, signs, placards, and other forms of written*
23 *notice. The written notification required by subdivision (b) shall*
24 *list each party that has adopted a party rule as provided in*
25 *subdivision (c).*

26 SEC. 2. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.